



#12/A  
PD  
4-16-03

PATENT

Customer No. 22,852

Attorney Docket No. 08888.0512

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Daniel Scherman *et al.*

Serial No.: 09/931,007

Filed: August 17, 2001

For: SYSTEM FOR REGULATING IN  
VIVO THE EXPRESSION OF A  
TRANSGENE BY CONDITIONAL  
INHIBITION

)  
) Group Art Unit: 1632  
)  
) Examiner: R. Shukla  
)  
)  
)  
)  
)  
)  
)

RECEIVED

APR 14 2003

TECH CENTER 1600/2900

Commissioner for Patents and Trademarks  
Washington, DC 20231

Sir:

**AMENDMENT AND RESPONSE TO 2<sup>nd</sup> RESTRICTION REQUIREMENT**

This paper is responsive to the Office action mailed March 11, 2003, which set a shortened statutory period for response of one month. Thus, the response is due by April 11, 2003, and is timely filed.

**IN THE CLAIMS:**

Please cancel claims 84-100, without prejudice or disclaimer.

**REMARKS**

The Office has issued a new restriction requirement and withdrawn the restriction requirement set forth in the Office action mailed October 1, 2002. The Office asserts that pending claims 1-112 are directed to 9 allegedly separate and distinct inventions. Office action, pages 2-4. As a threshold matter, Applicants note that claim 19 is not included in any of the Office's groups and respectfully request clarification. Also, claim

FINNEGAN  
HENDERSON  
FARABOW  
GARRETT &  
DUNNER LLP

1300 I Street, NW  
Washington, DC 20005  
202.408.4000  
Fax 202.408.4400  
www.finnegan.com